

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

GEORGE MANDALA and CHARLES  
BARNETT, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

NTT DATA, INC.,

Defendant.

Case No. 18 Civ. 6591 (CJS)

**INDEX TO RECORD ON APPEAL**

District Court (WDNY) Docket Records, Case No. 18 Civ. 6591 (CJS)

Docket #	Docket Text	File Date
1	COMPLAINT against NTT Data, Inc. \$ 400 receipt number 0209-3191224, filed by George Mandala, Charles Barnett.(Miazad, Ossai) (Entered: 08/15/2018)	8/15/2018
11	MEMORANDUM in Opposition re <a href="#">9</a> MOTION to Dismiss <i>The Class Action Complaint in its Entirety and with Prejudice</i> filed by Charles Barnett, George Mandala. (Attachments: # <a href="#">1</a> Declaration, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B)(Miazad, Ossai) (Entered: 12/12/2018)	12/12/2018
26	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings, motion hearing held on 6/27/18, before Judge Charles J. Siragusa. Court Reporter/Transcriber Diane Martens, Contact Info 585-613-4311. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 8/1/2019. Redacted Transcript Deadline set for 8/12/2019. Release of Transcript Restriction set for 10/9/2019. (TF) (Entered: 07/12/2019)	07/11/2019
27	DECISION AND ORDER granting <a href="#">9</a> Motion to Dismiss; denies as moot <a href="#">21</a> Motion to Compel. The Court finds that Plaintiffs have not met their burden of pleading a plausible claim of Title VII disparate impact and grants Defendants motion, ECF No. 9, to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Since the Court has dismissed the only federal claim, it declines to exercise jurisdiction over the state claims. 28 U.S.C. § 1337(c)(3). The Court denies Plaintiffs motion, ECF No. 21, to compel a Rule 26(f) conference as moot. The Clerk is directed to enter judgment for	07/18/2019

	Defendant and close this case. Signed by Hon. Charles J. Siragusa on 7/17/19. (KAP) <b>-CLERK TO FOLLOW UP-</b> (Entered: 07/18/2019)	
35	MOTION to Vacate <a href="#">28</a> Judgment by Charles Barnett, George Mandala. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Declaration of Christopher M. McNerney, # <a href="#">3</a> Exhibit A, # <a href="#">4</a> Exhibit B, # <a href="#">5</a> Certificate of Service)(McNerney, Christopher) (Entered: 03/31/2021)	03/31/2021
38	MEMORANDUM in Opposition re <a href="#">35</a> MOTION to Vacate <a href="#">28</a> Judgment filed by NTT Data, Inc.. (Attachments: # <a href="#">1</a> Declaration of Jacqueline Phipps Polito, # <a href="#">2</a> Exhibit 1 to Polito Declaration, # <a href="#">3</a> Exhibit 2 to Polito Declaration, # <a href="#">4</a> Exhibit 3 to Polito Declaration, # <a href="#">5</a> Exhibit 4 to Polito Declaration, # <a href="#">6</a> Exhibit 5 to Polito Declaration, # <a href="#">7</a> Exhibit 6 to Polito Declaration, # <a href="#">8</a> Exhibit 7 to Polito Declaration, # <a href="#">9</a> Exhibit 8 to Polito Declaration, # <a href="#">10</a> Exhibit 9 to Polito Declaration, # <a href="#">11</a> Exhibit 10 to Polito Declaration)(Polito, Jacqueline) (Entered: 05/03/2021)	05/03/2021
39	REPLY/RESPONSE to re <a href="#">38</a> Memorandum in Opposition to Motion,, filed by Charles Barnett, George Mandala. (Attachments: # <a href="#">1</a> Declaration of Christopher M. McNerney in Support of Plaintiffs' Reply Memorandum, # <a href="#">2</a> Exhibit A to McNerney Declaration, # <a href="#">3</a> Exhibit B to McNerney Declaration, # <a href="#">4</a> Exhibit C to McNerney Declaration, # <a href="#">5</a> Exhibit D to McNerney Declaration)(McNerney, Christopher) (Entered: 05/17/2021)	05/17/2021
40	DECISION AND ORDER denying <a href="#">35</a> Motion to Vacate <a href="#">35</a> MOTION to Vacate <a href="#">28</a> Judgment . Clerk of the Court is respectfully directed to close this case. Signed by Hon. Charles J. Siragusa on 12/6/21. (KAP) <b>-CLERK TO FOLLOW UP-</b> (Entered: 12/06/2021)	12/06/2021
41	NOTICE OF APPEAL as to <a href="#">40</a> Order on Motion to Vacate, by Charles Barnett, George Mandala. Filing fee \$ 505, receipt number ANYWDC-4460371. Appeal Record due by 1/13/2022. (McNerney, Christopher) (Entered: 12/30/2021)	12/30/2021

Dated: January 13, 2022  
New York, New York

Respectfully submitted,

By: /s/ Christopher M. McNerney  
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